



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 21, 1998

Mr. Sealy Hutchings  
General Counsel  
Office of Consumer Credit Commissioner  
2601 N. Lamar Blvd.  
Austin, Texas 78705

OR98-1997

Dear Mr. Hutchings:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117701.

The Office of Consumer Credit Commissioner (the "Office") received a request for information regarding communications with Senator Chris Harris regarding the interpretation of article 5069-1.07(a) of the Texas Revised Civil Statutes. You state that the Office is sending copies of portions of the requested information to the requestor. You assert that four documents are excepted from disclosure based on sections 552.103, 552.107(1) and 552.111 of the Government Code. The documents at issue are drafts of a brief written by an attorney with the Office's legal division. You state the Consumer Credit Commissioner has not filed the brief.

Section 552.111 of the Government Code excepts from required public disclosure:

An interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.

This exception applies to a governmental body's internal communications consisting of advice, recommendations, or opinions reflecting the policymaking process of the governmental body at issue. *See Open Records Decision No. 615 (1993)*. The exception protects preliminary drafts of a document and any comments or other notations on the drafts because they necessarily represent the advice, opinion, and recommendation of the drafter as to the form and content of the final document. *See Open Records Decision No. 559 (1990)*. Thus, we agree that the four drafts are excepted from disclosure based on section 552.111.

The Office also objects to the request as being overly broad because the requestor did not specify a time period for the requested information. The Office may discuss with the requestor how the scope of the request might be narrowed. Gov't Code § 552.222. It appears that you have made a good faith effort to locate the responsive information; thus, you should respond accordingly.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/mjc

Ref.: ID# 117701

Enclosures: Submitted documents

cc: Mr. Frank A. St. Claire  
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(w/o enclosures)